

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 354
Title 14, California Code of Regulations
Re: Archery Equipment and Crossbow Regulations

I. Date of Initial Statement of Reasons: March 1, 2003

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing:	Date:	February 7, 2003
	Location:	

(b) Discussion and	Date:	April 4, 2003
Adoption Hearing:	Location:	Visalia, California

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing regulations in Section 354 define a legal broad head as having blades which will not pass through a hole seven-eighths inch in diameter. Mechanical/retractable broad heads operate with blades in a closed position during flight which open upon impact. Mechanical/retractable broad heads are currently legal to take most big-game species in 46 states and in all provinces in Canada and Africa.

Existing regulations regarding broad head size are open to interpretation regarding mechanical/retractable broad heads. When in the closed position, mechanical/retractable broad heads will pass through a hole seven-eighths inch in diameter, resulting in citations to some hunters using this equipment. However, if the broad head is measured with the blades open, they meet the criteria currently specified in existing regulations.

In order to clarify the regulation, this proposed regulatory action would require that mechanical/retractable broad heads be measured in the open

position. If the blades will not pass through a hole seven-eighths inch in diameter in the open position, the broad head will be legal to use for taking big-game.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Fish and Game Code sections 200, 202, 203, and 240.

Reference: Fish and Game Code sections 200, 202, 203, and 203.1.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Pertinent regulations from other states/countries regarding use of archery equipment to take big-game species.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

None.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

By not clarifying the existing regulation as they pertain to mechanical/retractable broad heads, the determination as to how to measure the size of the broad head (open vs. closed) will be left to the individual warden in the field. This will result in a continued non-standard application of the regulation regarding this equipment, with some hunters cited for their use and some not.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. This proposed action more clearly defines existing regulations. Therefore, this proposal is expected to be economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations regarding archery equipment define a legal broad head as one with blades which will not pass through a hole seven-eighths inch in diameter.

Mechanical/retractable broad heads operate with blades which are closed during flight but open upon impact. When the blades are closed, the broad head will pass through a hole seven-eighths inch in diameter. This has led to confusion regarding the legality of using mechanical/retractable broad heads in California, and has led to an inconsistent application of the law. The regulation proposal will identify that mechanical/retractable broad heads are to be measured in the open position, and if the blades then can not pass through a hole seven-eighths inch in diameter they will be legal to use to take big-game in California.